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DECISION



M. Volpe
CP
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-189953 **DATE:** November 23, 1977
MATTER OF: B. Lee Charlton--Cancelled transfer

- DIGEST:**
1. Employee seeks reimbursement for househunting trip and movement of household goods in connection with transfer which was later cancelled. Employee may be reimbursed for expenses which would have been allowed had transfer been effected. If duty station has not changed, then employee is treated as if transfer was completed and employee was retransferred to former duty station.
 2. Reimbursement for househunting trip is dependent upon prior authorization and the signing of a service agreement as required under Federal Travel Regulations, para. 2-4.3c (May 1973). However, househunting expenses may be paid if the absence of prior authorization is due to administrative error or if the trip is based upon informal approval by an authorized official.
 3. Where employee is involved in cancelled transfer, a second service agreement or an amended service agreement should be executed designating the original duty station as the new duty station and with the 12-month period to run from the date of notification that the transfer was cancelled.

This action is in response to the request for an advance decision from Mrs. Verna E. Bashaw, Chief, Commercial, Travel, and Grant Accounting Branch, Office of the Secretary, Department of Health, Education, and Welfare (HEW), concerning the claim of Mr. B. Lee Charlton, an employee of the Drug Enforcement Administration (DEA), Department of Justice, for certain relocation expenses incurred in connection with a transfer which was later cancelled.

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The record indicates that Mr. Charlton applied for a position with the Office of Inspector General, HEW, in Los Angeles, California. He was interviewed, selected, and offered the position which he accepted. He signed a service agreement and was authorized reimbursement for travel and relocation expenses by Travel Order No. 70357-42, dated May 4, 1977. However, it was later determined that Mr. Charlton was not eligible for the transfer due to the nature of his appointment with DEA and the fact that his name was not "within reach" on a Civil Service Commission register, and in June of 1977 the transfer was cancelled. Mr. Charlton has claimed reimbursement for a househunting trip taken in late April, for shipment of household goods from his old duty station, San Diego, California, to Los Angeles on May 5, and for their return transportation to San Diego following notification of the cancellation. The administrative report states that there is no indication of misrepresentation or deliberate fault on the part of the employee or HEW and that Mr. Charlton's employment and transfer to Los Angeles would have been "clearly in the best interests" of the Government.

Our Office has held that, where a transfer has been cancelled and certain relocation expenses would have been reimbursable had the transfer been effected, an employee may be reimbursed for expenses incurred in anticipation of the transfer and prior to its cancellation. See Dwight L. Crumpacker, B-187405, March 22, 1977; and B-177439, February 1, 1973. If the employee's duty station has not changed as a result of the cancelled transfer, then we have treated the employee for reimbursement purposes as if the transfer had been completed and he had been retransferred to his former duty station. Crumpacker, supra; and decisions cited therein. Therefore, Mr. Charlton may be reimbursed for expenses incurred by him to the extent authorized under the Federal Travel Regulations (FTR) (FPMR 101-7), Chapter 2 (May 1973).

As to reimbursement for the househunting trip, we note that under FTR, para. 2-4.3c, a househunting trip must be authorized in advance and a service agreement must have already been signed. Based upon the record before us it is not clear whether Mr. Charlton was authorized a househunting trip or whether he had signed a service agreement prior to his trip to Los Angeles on April 28-29, 1977.

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The agency should determine whether Mr. Charlton met the requirements of FTR, para. 2-4.3c or whether this case falls within one of the two exceptions to advance authorization recognized by our Office, where lack of prior authorization is due to administrative error or where the trip is based upon informal approval by an authorized official. See Patrick J. Twohig, B-185511, March 3, 1976; and decisions cited therein.

Our Office has also held that in a situation involving a cancelled transfer either the employee should be required to execute a second service agreement or an amendment to the original service agreement should be issued designating the original duty station as the new duty station and with the 12-month period of service to run from the date on which the employee is advised of the cancellation of the transfer. See 54 Comp. Gen. 71 (1974). Action should be taken by HEW to so obligate Mr. Charlton prior to reimbursement of the allowable expenses.

Accordingly, the voucher may be certified for payment in accordance with this decision, if otherwise proper.

Deputy

Patrick J. Twohig
Comptroller General
of the United States